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09/820,508	03/29/2001	Rabindranath Dutta	AUS920010012US1	5085

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION

Client Name AUS920010012US1

File No. _____

DATE ACTION DOCKETED

08.11.06 Resp. to Notice of
Non-Compliant Appeal Brief

Docketed By dur Date 07/17/06

Checked By JS Date 7-17-06

Attorney Initials _____ Date _____

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/820,508

Applicant(s)

DUTTA ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

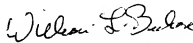
The Appeal Brief filed on 21 April 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.


1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Attached.


WILLIAM BASHORE
PRIMARY EXAMINER

Art Unit: 2176

- The claim listing does not include a complete listing of all claims (**claims 3, 12, 14, 20, 24, 28-32, and 35-39** are missing); and
- The claims are not indicated with a status identifier (e.g., original, currently amended, withdrawn, canceled, new, or not enter).


WILLIAM BASHORE
PRIMARY EXAMINER

1. **Statement of Status of Claims** (see the Supplemental Appeal Brief, page 4)

The statement of the status of the claims contained in the brief is incorrect. **Claims 10 and 22 have never been withdrawn from consideration.** They are still pending in the application and are rejected [see the Office Action mailed on 11/21/2005].

2. **Grounds of Rejection to be Reviewed on Appeal** (see the Supplemental Appeal Brief, page 8)

- In “Grounds of Rejection 1” Appellants state that claims **1-2, 4-9, 11, 18 and 25-27** stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,186 (**Kiraly et al.**). However, claims **1-2, 4-11, 18 and 25-27** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kiraly (U.S. Patent No. 6,564,186) [see the Office Action mailed on 11/21/2005].
- In “Grounds of Rejection 2” Appellants state that claims **13, 15-17, 19, 21, 23 and 33-34** stand rejected under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent No. 6,564,186 (Kiraly et al.). However, claims **13, 15-17, 19, 21-23 and 33-34** are rejected under 35 U.S.C. § 102 (e) as anticipated by Kiraly (U.S. Patent No. 6,564,186) [see the Office Action mailed on 11/21/2005].

3. **Claims appendix** (see the Supplemental Appeal Brief, page 26-30)

The claim listing is not in compliance with MPEP § 1.121 because: